

REMARKS

The allowance of claims 3, 4 and 6-13 is noted and appreciated.

Applicant proposes to cancel claims 1, 5, 14, 16 and 17 and reduce the number of remaining issues to one independent method claim 15, one independent product claim 18 and three dependent method claims 2, 19 and 20.

The proposed amendments to claims 15 and 18 make it unequivocally clear that applicant is claiming an electrical connection in which a terminal is crimped to a solid conductor. See paragraph 5 of the Final Rejection wherein the Examiner states that applicants are not claiming a terminal crimped to a solid conductor explicitly.

The specification is clear that the invention is directed to male pins or solid core conductors or blades as opposed to stranded wire. See page lines 3-12 of the patent application specification.

Both of the prior art patents cited by the Examiner disclose terminals crimped to a stranded wire. In U.S. Patent 5,399,110, the primary reference, a two piece terminal, comprising contact member 12 and attachment member 14, is crimped to a stranded wire core 30. See figure 9 of the '110 patent. In U.S. Patent 5,338,233, the secondary reference, a terminal 21 is crimped to a stranded wire conductor 7 of wire 15.

In the proposed amendment, dependent claim 18 is rewritten in independent form. In claim 18 as first presented, the claimed solid conductor is further defined as being of one piece construction. This clearly and unequivocally differentiates the solid conductor element of the claim from stranded wire. Electrical connector designers understand the difference between solid conductors or solid core wires and stranded wire or stranded core conductors immediately and it is believed that solid conductor is an adequate distinction. However, a stranded conductor such as shown at 30 in the '110 patent or as shown as 7 in the '233 patent might be considered "solid" in a very broad sense. Consequently, the description in claim 18 of a solid conductor of one piece construction clearly eliminates any possible ambiguity about the exclusion of a stranded conductor as shown in the applied prior art patents.

Claim 18 as first presented also states that the crimp wings are crimped solely about the solid conductor of one piece construction to distinguish over the Morello '110 patent where the crimp wings are crimped about the dished end 28 and the stranded core 30 to attach the two piece terminal to the stranded core 30.

The primary Morello '110 patent does not teach or suggest an electrical connection in which a terminal is attached to a solid conductor by crimp wings. The Morello two piece terminal comprises contact member 12 and attachment member 14. The Examiner regards the contact member 12 as the claimed solid conductor. However, the attachment member 14 is not attached to the contact member 12 by the crimp wings 46 of contact member 12. The attachment member 14 is attached to the contact member 12 by the attachment portion 42 which is rolled into a collar about a round portion 26 of contact member 12. See figures 4 and 5 of the Morello '110 patent particularly.

The Morello crimp wings 46 are used to attach the two piece terminal to the stranded core 30. The Morello '110 patent simply does not disclose or suggest how to attach a terminal to a solid conductor with crimp wings. If anything, Morello teaches away from such a concept because Morello uses a rolled collar 42 to attach the attachment member 14 to the contact member 12.

With respect the secondary, Endo '233 patent, this patent likewise does not show or suggest how to attach a terminal to a solid conductor with crimp wings because the crimp wings 27 of the Endo terminal 11 are used to attach the Endo terminal 11 to the stranded core wire 7. The only teaching of the Endo '233 patent that can be applied to the primary Morello '110 patent is how the Morello core crimp portions 46 might be modified to attach the Morello two piece terminal to the stranded core 70. The role, if any, that the Morello dished end 28 would play in such a modification is speculative at best.

With regard to the 1893 Howard case cited by the Examiner, the invention does not merely form in one piece what has been formerly two pieces. The invention solves a problem with providing an electrical connection of a terminal to a solid conductor which is very different from providing an electrical connection of a terminal to a stranded conductor. Furthermore, it is believed that the 1893 Howard case as used by the Examiner is not good law in view of 35 USC § 103 enacted in 1952.

“The use of *per se* rules, while undoubtedly less laborious than a searching comparison of the claimed invention – including all its limitations – with the teaching of the prior art flouts section 103 and the fundamental case law applying it.” *In re Ochiai*, 37 USPQ2d 1127 (Fed. Cir. 1995).

The proposed amendment will not require a new search because the issues were presented by dependant claim 18 in the last amendment.

Please enter the amendment under the provisions of 37 CFR § 1.116 and reconsider claims 2, 15 and 18-20. If the amendment does not place the application in condition for allowance please enter the amendment as placing the application in better condition for appeal.

If it is determined that any fees are due, the Commissioner is hereby authorized and respectfully requested to charge such fees to Deposit Account No. 50-0831.


CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, Virginia 22313-1450 on January 26, 2004.


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Respectfully submitted,

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